

RIGHT TO REQUEST WITNESSES

Parties who are participating in the Title IX Formal Grievance Process have the right to request witnesses to be interviewed during the investigation process and to request witnesses to attend the hearing to answer questions.

WITNESS PROTECTION FROM RETALIATION

All parties, including witnesses, who are involved in the Title IX Formal Grievance Process are protected from retaliation through the Title IX & Civil Rights Retaliation Policy.

Retaliation is defined as intimidating, threatening, coercing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by the Title IX & Civil Rights Policy, Title IX or its implementing regulations; or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under the Title IX & Civil Rights Policy or under the complaint procedures relating to complaints filed with the U.S. Department of Education’s Office of Civil Rights, or Title IX complaints filed with the U.S. Department of Education’s Office for Civil Rights.

PRIVACY EXPECTATIONS

The University reserves the right to designate which University officials have a legitimate interest in being informed about incidents that fall within the Title IX & Civil Rights Policy, pursuant to FERPA. Information will be shared as necessary with Investigators, Hearing Panelists, Witnesses, and Parties. The circle of people with this knowledge will be kept as tight as possible to preserve each parties’ rights and privacy.

Tiffin will not impose prior restraints on participant ability to discuss the allegations under investigation (i.e. with a parent, friend, source of emotional support, advocacy organization, or with persons who may have information regarding the underlying incident). **However, all participants are expected to respect the privacy of these proceedings and protect the integrity of the process.**

SUPPORTIVE MEASURES FOR WITNESSES

In recognizing that it can be difficult to talk about the allegations as a witness, please be reminded that support services are available if needed. Consider reaching out to one of the following confidential resources to seek additional support:

Counseling Center
(for students)
counseling@tiffin.edu

Employee Assistance Program
(for employees)
419.424.1471 (Findlay Office)
419.334.6669 (Fremont Office)

REPORTING RETALIATION

It is important that witnesses are protected from retaliation. If a witness believes they are experiencing retaliation as a result of their participation/non-participation as a witness in the Title IX Formal Grievance Process, please submit a report using the QR code below:



For Questions Regarding the Role of Witnesses, email: *OfficeofTIXCR@tiffin.edu*

ROLE OF WITNESSES

TITLE IX FORMAL GRIEVANCE PROCESS:



ROLE & PARTICIPATION OF WITNESSES IN THE INVESTIGATION

Identified Witnesses will be invited to participate in an investigation interview with the assigned Investigator(s). Witness participation in the investigation interview is voluntary. Any witness may choose not to offer evidence and/or answer questions during an investigation interview, either because they do not attend an interview, or because they attend but refuse to participate in some or all questioning.

The Decision-maker(s) can only rely on whatever relevant evidence is available through the investigation and hearing in making the ultimate determination of responsibility.

RECORDING OF INTERVIEWS & TRANSCRIPT REVIEW

The Investigator(s) will record investigation interviews for transcription and documentation purposes. No unauthorized audio or video recording of any kind is permitted during investigation interviews.

Following the witness investigation interview, a secure electronic copy of the interview transcript will be shared with the witness for a review and comment period. The witness will have the opportunity to review the transcript to ensure it is complete, truthful, and fully captures their side of the story. Any suggested changes should be shared via email with the Deputy Title IX Coordinator.

EVIDENCE COLLECTION

The investigation process also includes the collection of all available and relevant evidence related to the allegations.

During the investigation interview, the Investigators will offer the opportunity for the witness to submit any evidence that is relevant and helpful to the investigation.

Recommendation for Witnesses: Prior to the scheduled investigation interview, prepare all available evidence to submit (i.e. photos, videos, text message screenshots, etc.).

OUTLINE OF THE WITNESS INVESTIGATION INTERVIEW

In accordance with Tiffin University's Title IX & Civil Rights Policy, the following outline represents an overview of the witness investigation interview for the Title IX Formal Grievance Process:

1. Welcome & Notice of Recording
2. Start Recording & Introductions
3. Transcription Process
4. Role of Investigators
5. Role of Witnesses
6. Privacy Policy
7. Retaliation Policy
8. Investigation Interview Questions
9. Evidence Collection
10. Final Questions, Supportive Measures & Next Steps

ROLE & PARTICIPATION OF WITNESSES IN THE HEARING

The Hearing Chair will allow witnesses who have relevant information to appear at a portion of the hearing in order to respond to specific questions from the Hearing Panel and the parties and will then be excused.

Evidence and witnesses may only be presented at the hearing if they were submitted to the investigator(s) and made available to the parties for review, unless they were unavailable at the time of the investigation or the relevance was unknown until the investigative report was submitted. The decision-maker will address any requests to present new evidence and new witnesses at the pre-hearing conference.

Identified Witnesses will be invited to participate in the Hearing. Participation in the Hearing is voluntary.

View the Full Title IX & Civil Rights Policy at:
tiffin.edu/about/title-ix-and-civil-rights/

REFUSAL TO SUBMIT TO CROSS-EXAMINATION

Any witness may choose not to answer questions during a hearing, either because they do not attend the Hearing, or because they attend but refuse to participate in some or all questioning. If a Party or witness does not appear at the Hearing or make themselves available for cross examination, the Decision Maker may still consider that Party's or witness's previous statements but may, in the Decision Maker's discretion, give lesser weight to that Party or witness's statements when reaching a determination of responsibility.

The Decision-maker(s) can only rely on whatever relevant evidence is available through the investigation and hearing in making the ultimate determination of responsibility, including prior statements and evidence provided by witnesses who do not participate at the hearing.

The Decision Maker will not draw an inference about the determination regarding responsibility based solely on a Party's or witness's absence from the Hearing or refusal to answer cross-examination or other questions.

WHAT TO EXPECT AT THE HEARING?

If a witness plans to attend the live, virtual hearing the following can be expected:

- Witness participation in the hearing is limited to the time during which they are questioned.
- Witnesses should plan to join the zoom waiting room at the start of the hearing.
- Witnesses will remain in the zoom waiting room until they are called into the live hearing - they may be called at any time during the 3-hour hearing, so feel free to bring snacks, drinks, course work, etc.
- Once admitted into the live hearing, the Hearing Facilitator and Hearing Chair will review procedural information, which will be followed by witness testimony and cross-examination from the Hearing Panel and party Advisors.